IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.89 OF 2006

Mrs.Varsha Laxmanrao Deshpande .. Petitioner

Vs.

State of Maharashtra & Ors. .. Respondents

Mr.U.P.Warunjikar for the petitioner

Mr.V.P.Malvankar, A.P.P. for the respondent no.1 and 2

Mr.P.N.Godge for the respondent no.3

CORAM : J.N.PATEL, ACTING C.J. & S.C.DHARMADHIKARI, J.

DATED : 22ND MARCH, 2007

P.C.:

1. The petition has been moved in as a Public Interest Litigation with a grievance that respondent no.3 and his colleagues gave a call of 'Bandh' on account of protest against an author by name James Lane and Mr.Mulayam Singh Yadav, Chief Minister of U.P.

2. It is the case of the petitioner that one

Satara Vikas Aghadi which is an unregistered organisation and one Yoddha Pratishthan had given a call for 'Bandh' with respondent no.3 and that this was pursuant to vide publicity given in local newspaper and thereby respondent no.3 and his associates forcibly compelled the public at large to support the call of 'Bandh'.

3. The main grievance of the petitioner is that the authorities failed to take necessary preventive steps to protect the people of Satara from this illegal 'Bandh' which caused inconvenience to one and all and cumulatively caused loss. The petitioner has placed reliance on the decision of the Supreme Court as well as this court where the subject matter is dealt in detail and the Supreme Court has given directions and laid down guide-lines as to what action has to be taken by the authorities in such a situation so that the common man is not held at ransom by few persons in causing disturbances in their normal course of life and in violation of their right to freedom.

4. In sum and substances what we find is that

the grievance of the petitioner is against the authorities namely the District Magistrate, Superintendent of Police and the officials concerned in preventing such Bandh which are declared to be illegal and unconstitutional.

5. In response to the notice, respondents have filed their affidavit in reply. They have tried to justify their action while stating that proper bandobast was maintained and that the life in the town was normal till noon. Thereafter, ’Bandh’ was observed by the people and there has been no report of any damage to life or property including public property.

6. The learned counsel for the petitioner vehemently argued before this court that in-action on the part of the authorities deserves serious action by this court by treating it as a PIL and that this court should take cognisance of the same and direct the authorities to identify the persons who were responsible for calling the ’Bandh’ and causing undue harassment to the people residing in Satara and direct the authorities to take action

against such persons under the provisions of Indian Penal Code, Criminal Procedure Code and / or Bombay Police Act for committing an unconstitutional Act i.e. call of 'Bandh' and compelling the public at large to support the same by using the threat or force within such period as this court may deem fit and proper and initiate necessary proceedings for an unconstitutional act of 'Bandh' against the unregistered Organization mentioned in the petition and also recover an amount of Rs.1 crore from respondent no.3 and all persons responsible for the call of 'Bandh'.

7. The petitioner is an advocate and in our view, before coming to this court by filing such a petition in public interest, she ought to have approached the superior authorities of the Sate and made such a grievance and if there was any in-action on their part, could have sought for remedies available to her under the law of the land.

8. Therefore, we find that there is no public cause as to espouse public interest so as to be

taken cognisance by this court. There is no material placed before this court in this petition to show how the loss of Rs.1 crore has taken place which is to be recovered from respondent no.3 and the affidavit in reply filed by the authorities rather go to show that there has been no incident of the nature which has created any law and order problem and that the situation was well within the control.

9. We therefore, dismiss the petition.

ACTING CHIEF JUSTICE

SHRI S.C.DHARMADHIKARI, J